



California Fair Political Practices Commission

April 9, 1986

Thomas R. Adams
Adams, Broadwell & Russell
1875 South Grant St., Ste. 600
San Jose, CA 94402-2662

Re: FPPC Advice No. A-86-090

Dear Mr. Adams:

Thank you for your letter of March 6, 1986, which confirms my telephone advice to you regarding the lobbying disclosure provisions of the Political Reform Act (Government Code Sections 81000 - 91015).

You have correctly stated my advice that, under the circumstances described in your letter, meeting with legislators who are attempting to negotiate the resolution of a dispute between the City of Brisbane and a local developer and land owner does not constitute "influencing legislative or administrative action" (Government Code Section 82032). Therefore, as the City's representative, you would not be required to keep track of your compensation or contacts as set out in FPPC regulation 2 Cal. Adm. Code Section 18239 (copy enclosed) for purposes of qualifying as a lobbyist.

However, I would like to clarify that it is not necessary for legislation to be "introduced" before the lobbyist qualification provisions would be triggered. If it is decided that legislation is the only alternative for resolving the dispute, you should immediately begin keeping track of your compensation and contacts if you continue to represent the City in any meetings or other communications with legislative officials.

I hope the foregoing is helpful. Please contact me at (916) 322-5662 if you have additional questions.

Sincerely,

Carla Wardlow

Carla Wardlow
Political Reform Consultant

CW:cah
Enclosures

ADAMS, BROADWELL & RUSSELL

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March 6, 1986

Carla Wardlow
Political Reform Consultant
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

Dear Ms. Wardlow:

This will confirm our recent telephone conversations.

I am currently retained as special counsel for the City of Brisbane. The City has been sued in the U.S. District Court in San Francisco by a local developer/optionee, Southwest Diversified, Inc. and the landowner/optionor, Visitacion Associates. Our firm represents the City, in conjunction with the regular City Attorney, in that case. As additional tactic the developer and the landowner would like to obtain legislation permitting the deannexation of the property from the City. They apparently attempted, but failed, to convince a member of the Legislature to introduce such legislation in the short session last August. The City has been concerned that another effort to pursue legislation would take place in the 1986 session.

As a defensive measure the City has retained the services of a registered lobbyist and the City, itself, files the appropriate reports as the employer of a lobbyist. I contacted you about the possibility that I might also have to register as a lobbyist.

One of the members of the Legislature, Dominic Cortese, has convened two meetings of the parties to see if a resolution of the development dispute can be negotiated. I have participated in these meetings on the City's behalf and had other communications with Mr. Cortese and staff regarding the dispute, including both letters and conversations. At the present, no legislation has been drafted or introduced. Mr. Cortese has assured the City that he has no intention of using legislation as a means of threat to force the City to negotiate. Another Assemblyman, Lou Papan, has also been attending these meetings and is very interested in seeing a resolution of the dispute.


Carla Wardlow
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Additionally, I have attended internal meetings with the City staff regarding this situation and I have communicated with the City's retained lobbyist.

I understand in discussions with you that this activity does not constitute influencing legislative or administrative action. However, in the event legislation is introduced, this activity, including the internal meetings would qualify as influencing legislative or administrative action and I would have to register if the activity hit the threshold either for compensation or for contacts.

Please advise me if any aspect of this understanding is not correct.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Thomas R. Adams", written in a cursive style.

Thomas R. Adams

TRA:vcr
cc: Robin Leiter
Robert L. Henn
Bernard Teitelbaum



California Fair Political Practices Commission

March 14, 1986

Thomas R. Adams
Adams, Broadwell & Russell
1875 South Grant Street, Suite 600
San Mateo, CA 94402-2662

Re: A-86-090

Dear Mr. Adams:

Your letter requesting advice under the Political Reform Act has been received by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact the Technical Assistance and Analysis Division at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

A handwritten signature in cursive script, reading "Jeanne Pritchard", is written over the typed name.

Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:plh